

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAR 30 2005

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

YOLANDA BEASLEY, et al.,

Plaintiffs,

v.

ROBERT PIEKUTOWSKI, et al.,

Defendants.

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) No. 4:02CV00823 ERW
) [consolidated with 4:02CV01463 SNL]
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**ORDER AND JUDGMENT WITH RESPECT TO SETTLEMENT OF BEASLEY CLAIMS
AGAINST THE UNITED STATES OF AMERICA AND KEITH KIERZKOWSKI**

Petition for Approval of Settlement and Allocation hearing called and heard. Parties appear in person and through counsel. On the evidence adduced, the Court hereby approves the total settlement of \$62,500.00 payable by and on behalf of the United States of America as being fair and reasonable under the circumstances of this case. The Court further approves the specific allocation of payments made by the United States of America under the Federal Tort Claims Act as follows:

1. \$40,000.00 shall be payable to Louise Beasley;
2. \$18,000.00 shall be payable to Yolanda Beasley, individually; and
3. \$4,500.00 shall be payable to Delores Triplett as next friend of Nakita Beasley.

The Court further approves as fair and reasonable under the circumstances of this case, the payment of:

- a. \$6,000.00 in attorneys' fees to Blumenfeld, Kaplan & Sandweiss, P.C. as and for their services on behalf of Louise Beasley;
- b. \$1,000.00 to Michael Swafford as and for attorneys' fees on behalf of Delores

Triplett.

4. The Court further approves reimbursement and payment of \$40,138.98 as and for reasonable and necessary litigation expenses, with each party to bear their pro rata share of the expenses out of the proceeds awarded to them.

5. Yolanda Beasley, on behalf of herself individually and as duly-appointed next friend of Ronni Beasley (a minor) and Ronald Beasley, Jr. (a minor); Delores Triplett, as duly appointed next friend of Nikita Beasley (a minor); and Louise Beasley are each ordered to execute the proposed release in favor of the United States and its agents, servants or employees (including Defendant Kierzkowski), releasing said individuals and entity from any and all liability, claims, demands, and actions arising from, related to, or in any way connected with the death of Ronald Beasley, deceased.

6. The following persons are the only persons entitled to share under the laws of the State of Missouri in the apportionment of this settlement: Yolanda Beasley (wife of Ronald Beasley, deceased); Ronni Beasley, Ronald Beasley, Jr. and Nikita Beasley (children of Ronald Beasley, deceased); and Louise Beasley (mother of Ronald Beasley, deceased).

7. All Plaintiffs have freely, knowingly and voluntarily waived their right to a trial as to Defendant United States and Defendant Kierzkowski and have consented to the submission of all issues regarding the proposed partial settlement to the Court for determination.

8. Pursuant to R.S.Mo. § 537.080, the only members of the class of persons entitled to bring an action for the wrongful death of Ronald Beasley, deceased, or to participate in the distribution of settlement proceeds are: Yolanda Beasley (wife of Ronald Beasley, deceased); Ronni Beasley, Ronald Beasley, Jr. and Nikita Beasley (children of Ronald Beasley, deceased); and Louise Beasley (mother of Ronald Beasley, deceased).

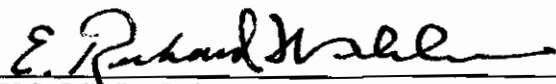
9. Pursuant to the provisions of R.S.Mo. § 537.095, all persons entitled to bring an action for the wrongful death of Ronald Beasley, deceased, have had an opportunity to join in this action and the settlement, and Plaintiffs have exercised due diligence in providing written notification concerning the hearing regarding the Application for Approval of Wrongful Death Settlement to all persons entitled to bring an action for the wrongful death of Ronald Beasley, deceased, and/or participate in the settlement proceeds.

10. The United States shall tender the settlement proceeds to the Law Office of Padberg and Corrigan who shall deposit said funds into their trust account and distribute to the parties according to this Order.

11. Plaintiffs shall file a Stipulation of Dismissal with Prejudice as to Defendant United States and Defendant Kierzkowski. The claims of the Murray Plaintiffs remain pending before this Court.

Dated: March 30, 2005

SO ORDERED:



U.S. District Judge
E. Richard Webster